KANSAS—LECOMPTON CONSTITUTION—PROSCRIPTION OF DEMOCRATS—ASSAULT UPON ILLINOIS, AND HER DEMOCRACY EXPELLED.

SPEECH

OF

HON. S. S. MARSHALL, OF ILLINOIS,

ON

THE ADMISSION OF KANSAS AS A STATE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MARCH 31, 1858.

The House being in Committee of the Whole on the state of the Union—

Mr. MARSHALL, of Illinois, said:

Mr. CHAIRMAN: I had not intended, till within the last few days, to submit any remarks of my own on the subject of this much vexed Kansas question. It is entirely exhausted. It is impossible to present anything in the way of novelty or argument, or even of declamation, on a subject which has been so long discussed before the House and before the country.

I do not propose this evening to go into anything like a general discussion of the various points that have been mooted and discussed on this floor; and were it not that this question has assumed an importance in the public mind far beyond what it is entitled to, in my estimation; were it not for the fact that the people of one section of the Confederacy are agitated, and seem to think their peculiar institutions and their constitutional rights are involved in this issue; were it not for the fact that a large portion of the people of the country seem to think that on the result of this question, now before the House, depends the perpetuity of the Union; and as serious results may, in fact, follow the action of Congress, it becomes important not only that we should record our votes, but that the country should be informed what were our views and motives for so doing; were it not for these facts, I would have been content to cast a silent vote.

But, sir, as the record in reference to the conduct of the members of this House will be looked to hereafter, and as the Representatives from one section of the Confederacy are charging that those who oppose the admission of Kansas under the Lecompton constitution are doing it on sectional grounds and for sectional motives, and that our conduct is governed by anti-slavery sentiments, I wish to place myself right on the record before the House and before the country.

Before coming, however, to any question which legitimately bears on the subject now before the committee, I wish to allude to one or

two points, rather incidental than directly, bearing on the questions that have been brought up in the course of this debate.

And, first, I will notice very briefly the fact that it has been, time and again, insinuated by gentlemen coming from one section or another of this Confederation that the opposition, and the sole opposition, to the admission of Kansas under the Lecompton constitution arises from the pressure of anti-slavery sentiments. Now, sir, if gentlemen who make this charge know it to be false, their conduct in making it is scandalously unjust to those who have been, during thei whole lifetime, warring against the greatest obstacles in favor of the constitutional rights of the South; and if they do not know it to be false, their ignorance is inexcusable.

I know, Mr. Chairman, that a large portion of those who are opposing the admission of Kansas under this Lecompton constitution are opposed to the admission of any more slave States, and consequently are not willing, as a general rule, to let the people interested settle this question of slavery for themselves. This is the position, as I understand it, of most of the members of the Republican party. It is well known here and elsewhere that I dissent from this view entirely. I am for the perfect equality of the people of all sections, whether they are in the States or Territories.

I think this doctrine of congressional prohibition is sectional, unjust, and dangerous in its tendency, and that if ever a party takes possession of all the branches of this Government acting on that basis, and attempts to carry out that principle, it will lead inevitably to a dissolution of the Union, and a breaking up of this great Confederacy. That is my view about it. But it by no means follows, as is charged by those who are in favor of the admission of Kansas under the Lecompton constitution, that those of us who are opposed to that measure are influenced by any intention or desire to exclude a *bona fide* slave State. I am opposing it because I will not sanction what I believe to be a gross outrage upon the very principles on which the American Revolution was fought; because I will not sanction frauds which I believe are as deep and black as ever were perpetrated in this or any other country, and because I believe that I would be sanctioning, if I were to vote for it, the miserable spawn which has come from the machinations of the Lecompton conspirators, for I look upon the authors of that constitution as nothing else but conspirators against the liberties of those whose will they ought to have regarded.

Mr. Chairman, that the Lecompton constitution tolerates slavery is not only not my main objection to it, but it constitutes no part of my objection. I state here before the House and the country, that, so far as I am concerned, I hold that the people of Kansas have the same right to adopt a pro-slavery constitution, if they are in favor of it, as they have to adopt a free-State constitution. I have no right, in my opinion, and certainly I have no disposition, as a member of this Congress, to dictate or even attempt to influence the action of the people of Kansas on this or any other subject. Upon this question of the right of the people of Kansas to adopt a pro-slavery constitution, if they desire it, I have not a shadow of a doubt. If I could influence their action one way or the other I certainly should not do so. I have not a particle of feeling on the subject, one way or another.

306730

Upon some other occasion I might have thought proper to go into this question at greater length, but I will not do it at this time. I propose hastening through the few points which I intend to present. I will remark, in justification of myself, that I have made no preparation whatever for this discussion. I have had my mind directed to other subjects entirely, and the remarks which I shall make will necessarily be very desultory. The only proper doctrine in regard to this question of slavery is that which I supposed had been adopted and was thoroughly understood by the Democratic party of this country—the doctrine of non-intervention, which was embodied in the Kansas-Nebraska bill and in the Cincinnati platform. Upon that idea the contest and canvass for President was made which carried Mr. Buchanan into the presidential chair. I think that at the time of the canvass of 1856 the doctrine of non-intervention was understood by the American people and by the Democratic party. But we are again all at sea. Since this Congress convened, for the purpose of forcing through a favorite project of gentlemen here, we are every day hearing new ideas in regard to the doctrine of intervention and non-intervention which were never dreamed of until now.

Now, sir, what is the doctrine of non-intervention? It is plain and simple, and when you present it to the mind it can be distinctly comprehended and understood. There is no difficulty about it. It is simply this: that the Federal Government shall, in no manner whatever, attempt to dictate or control the local laws or domestic institutions of any State or Territory; that "the people thereof shall be left perfectly free" to determine these matters for themselves; and if they get into a squabble or quarrel among themselves, as they have done in Kansas, that we shall keep our hands off, and have nothing to do with them until they peacefully and quietly, fairly and honestly, settle the form of their government for themselves. Congress has no power, in regard to the Territories, to legislate upon the subject of slavery. Of this, at least, I have no doubt. It is not within the legitimate province of the General Government. But it does not follow that Congress, or any member of Congress, is under any obligation to vote for the admission of new States, either with slavery or without slavery in their constitutions when there is any other proper and legitimate objection to such admission; want of population, want of presentation by the people themselves for admission, want of fairness, or any other honest and legitimate objection. Sir, if it should appear to my satisfaction that the great body of the population constituting the people of the Territory were felons or outlaws or rebels—as the President calls the people of Kansas—that would be sufficient, in my judgment, not only to lead me, but to force me, acting as the Representative of a free people, and looking to the interests of this great country, to give my vote against the admission of any such State or any such people into this Confederacy. If the people of Kansas were felons or outlaws, or belonged to a degraded race, such as free negroes, who had conferred upon themselves, by their own action, the rights of citizenship; a population which I did not think worthy to be placed on an equality with myself and those I represent, in administering and taking part in the affairs of the Government, I should not hesitate to oppose the admission of such a State into this Confederacy.

But, sir, I will not dwell upon this. There is another point to which I wish to call attention, and that is to what I call the indecent attempt to ostracize, whip in, or read out of the party Democrats whose consciences and judgments will not sanction these frauds. I do not intend to dwell upon this, although it is a subject worthy of the gravest consideration.

There has been an attempt to brand, as rebels and as traitors—notwithstanding what might be the judgment of gentlemen, notwithstanding what their consciences and their constituents might dictate—those who will not bow down to power and lick the hand that attempts to lash them into the traces. For myself, I will say, that I have as strong an attachment for the Democratic party and the Democratic Executive as any man upon this floor or in the country, but I am not a spaniel to be whipped into the service of any man or set of men. I will think and act as the Representative of a great and free people who owe nothing to Presidents or Cabinets. In acting with the Democratic party, I do so from my conviction of right and duty, and from no other motive whatever. I will permit no man on earth to think for me, or dictate my course of action. I have the honor of representing the strongest Democratic district in this Union; a district which, with the sectional issue presented in the last presidential contest, increased its Democratic majority more than any other in the country, which swelled the majority for Mr. Buchanan ten thousand over any former vote.

Mr. HUGHES. Will the gentleman permit me?

Mr. MARSHALL, of Illinois. I will yield to the gentleman with pleasure, if he will ask a direct question, and waive his usual preamble.

Mr. HUGHES. I will try to ask a question without a preamble. It is this: who is it that has attempted to establish this test, and to read men out of the party?

Mr. MARSHALL, of Illinois. That is a very direct question for the gentleman. It is done notoriously by the present Administration. It is done by the organ of the Administration in this city. It is done by the Administration throughout the country; and it is well known that the tenure of office depends upon whether the incumbent will bow down his conscience and his judgment to this Lecompton scheme.

Mr. HUGHES. Has the gentleman been excluded from a Democratic caucus of the whole Democratic party because of his opinion on this question?

Mr. MARSHALL, of Illinois. Not at all; I do not pretend that there has been any direct action, because it so happens that a congressional caucus has no such power conferred upon it, either by the people, the Constitution, or even the Cincinnati platform.

Mr. LAWRENCE. Does the gentleman from Illinois know how soon he may be excluded from a Democratic caucus after to-morrow?

Mr. MARSHALL, of Illinois. I do not know, and I do not care. The matter does not disturb my equanimity for a moment.

Mr. LAWRENCE. Nor mine either.

Mr. MARSHALL, of Illinois. I know that a congressional caucus has no such power. This is a matter of fidelty to the party, to be settled by the conventions of the party in the States, and by the national convention. For myself, I think a man is a good Democrat who always votes the Democratic ticket without scratching, and manfully battles for

the principles of his party, the rights of the people, and the Constitution of his country.

Mr. CLARK, of New York. I think, if the gentleman refers to the proceedings of last evening, that he will see that this conclusion is not fairly deducible from those proceedings.

Mr. MARSHALL, of Illinois. I do not refer to that; but is it not known to gentlemen on this floor that a paper in this city, recognized as the organ of this Administration, has forgotten the Know-Nothing party, the Abolition party, and Black Republican party, and has gone down into the sewers of filth and defamation for the purpose of fishing up epithets to hurl at Democrats upon this floor, denouncing them as traitors and rebels, with other similar choice epithets.

Mr. HUGHES. One more question without a preamble.

Mr. MARSHALL, of Illinois. Yes, sir; if it is without a preamble. [Laughter.]

Mr. HUGHES. Before any party tests were established, did not the gentleman from Illinois meet in caucus repeatedly with gentlemen who were opposed to the Lecompton constitution?

Mr. MARSHALL, of Illinois. The gentleman has been propounding that question a great many times, and I do not know whether he has got a satisfactory answer or not; but permit me to say that those who are in favor of the admission of Kansas under the Lecompton constitution, I do not care what they call themselves, whether Democrats or Know Nothings, have the right to adopt whatever means, after consultation, they may deem proper, which may harmonize them and best subserve the end they have in view. But that is not establishing a party test. Those who are opposed to it, and think it is fraudulent, who think it is a violation of the principles of our Government, if they really want to defeat it, may get together and agree upon such a course as will secure their object. For myself, I have never gone into caucus or consultation with anybody except Democrats, in regard to this or any other political question.

Mr. HUGHES. I want to say this: If I can get the floor after the gentleman has concluded his speech, I will give my views on this subject.

Mr. MARSHALL, of Illinois. I have no objection to that, and I have no doubt that the gentleman will throw much additional light on the subject.

I will resume my remarks: Who are the men against whom this crusade is made? Who are the men that are denounced as Free-Soilers, as Abolitionists, as traitors, and rebels? Of what material are they made? It so happens that the anti-Lecompton Democrats who oppose this odious measure (I speak of the measure, and not of those who support it) have to a man got a clean Democratic record. You will find none of your broken-down Free-Soilers among us. It is not in the ranks of the anti-Lecompton Democrats, but in your own, that you will find your authors and advocates of the Buffalo platform. Your Hon. JOHN COCHRANES, (now, by the grace of God and special favor of Lecomptonites, chairman of the "Democratic caucus," that is to establish the test of orthodoxy,) your Van Burens, and your Dixes, and your James Gordon Bennetts, and men of that character.

There is not a man among us, who, from his first vote down to the present time, has not a clear Democratic record, without spot or blemish, and beyond all suspicion. I invite any gentleman who may desire it to enter into the investigation.

Mr. HUGHES. I will do that.

Mr. MARSHALL, of Illinois. I would like to take up the record of my friend, and a few other of such immaculate Democrats, but I cannot do it to-night. I cannot confer that favor upon them.

But, sir, it affords me no pleasure to pursue this line of remark. I would much rather avoid all crimination of every kind, and see our Democratic friends all move on harmoniously together. But one thing is worthy of remark. It so happens that those gentlemen who are so rampant to read us out of the Democratic party are mostly men who have, until very recently, warred against Democracy their whole lives.

It is a good illustration of the old doctrine that new converts are always more zealous than old members of the church; [laughter;] they take a far greater interest in the church than those who have been in it all their lives. I repeat—what you all know to be the fact—that a great portion of these very men, who are now so eager to read out of the Democratic party men who have been in it all their lives, are men who have gone down with other parties, and who have jumped upon the Democratic platform to keep from going to the bottom. I make these remarks in no spirit of crimination. I have no lectures to read these gentlemen for their past sins and transgressions. I was one of those, sir, who received gladly and welcomed cordially the returning prodigals into the bosom of the Democratic party. But I would advise a little more modesty in their deportment for the future. Let their conduct not lead us to suspect that they entered the party only to distract and divide. Let us not be forced to the conclusion that, Judas-like, they kissed only that they might more easily betray.

Mr. Chairman, while on this subject of party fidelity, there is one other matter to which I suppose I had as well allude here. It is, I know, not a matter of much importance, and certainly not a thing which disturbs my equanimity a particle; but it has become a subject of remark, and probably deserves some notice. I refer to it the more readily because I know that my sincere regard for my southern friends will not be questioned. There is in the South a certain class of politicians—far from constituting a majority, I am happy to say—who arrogate to themselves a superior wisdom, plume themselves upon their superior Democracy, and claim the right, as if they had a patent from God Almighty for the purpose, to declare what is and what is not Democracy. These men, often as destitute of brains as of modesty, assert by their deportment, and sometimes by their language, a superiority for southern gentlemen and southern Democrats over those who happen to hail from northern States.

Now, sir, for one, I am tired of these peacock *gesterings* and baseless assumptions. I wish to make no comparisons; I wish to impeach no man's motives or fidelity to his party. But truth and justice to myself and those with whom I act require that I should say, that in all the issues on the slavery question which the Democratic party have made for the maintenance of the constitutional rights of the South, you gentlemen from that section deserve no particular credit for the

position you have assumed; you are floating with the current of popular opinion in your own section; you are fighting for your own interests, for your altars and your firesides, your "domestic institutions;" you *dare not* take any other position; you could not do so and stand before your constituents for a moment.

But how is it with northern Democrats? A more unselfish, devoted, self-sacrificing band of men have never existed in any political organization. In the face of the natural anti-slavery sentiments of our own section—in the face of the Abolition and Free-Soil waves, mountain high, which threatened to ingulf us, and which were too often raised and strengthened by the rashness and folly of southern men—we have, year by year, breasted this Free-Soil deluge, and beaten back its fierce waves. We have battled for your rights, not because they were yours, but because we intend always to defend the right, without regard to section, and regardless of consequences. We have done this without a murmur, unaided and alone; for we have been more often crippled by the rashness and assumptions of southern men than strengthened by any aid from them. We have freely, without hesitation, united with you in these issues, by which our ranks have been thinned and broken, and thousands of our bravest captains overwhelmed and driven from the field. We have, without a murmur, united with you in these issues, by which you have been strengthened, until you have been able to break down all opposition, and come up here a united and unbroken column. And now, forgetting the means by which you have been strengthened and we weakened, too many of you have become arrogant and dictatorial, and claim for yourselves all the credit of the victory, and the right to set up new and unheard of tests of Democracy.

If ever a people deserved commendation for a faithful, unflinching adherence to right and duty, the northern Democracy deserve that commendation. If any people are entitled to gratitude for an unselfish and perilous defence of the rights of others, the northern Democracy ought to have been met with that gratitude. But what are the facts? When the great sectional battle had been fought and won; when the Opposition were, by thousands, abandoning their sectional platform of congressional prohibition, we come up here, and, instead of gratitude, friendship, or even common courtesy, we are met with contumely, denunciation, proscription, insult, and injustice. We are denounced as traitors, rebels, and renegades, because we have determined at all hazards to defend the rights of the white man to govern himself, and to resist to the last every attempt to subjugate him by fraud or violence. We are proscribed because we will not basely bow the knee to power, or yield to the seductive influences of Executive *patronage*.

Sir, I have been taught that Democracy is a glorious principle, emanating from God, and having its home in the hearts of honest men. I have been taught that it is based on the golden rule of doing unto others as we would that they should do unto us; that it defends the equal rights of all men, and works injustice to none; that "like the dews of heaven, it dispenses its blessings to all alike," and resists wrong, fraud, usurpation, and oppression, from whatever quarter they may come; that popular rights constitute its base, and that its apex

points to the eternal principles of truth and justice. This, sir, is what is understood by Democracy in the humble school where I was educated, and among that gallant people whom I am proud to represent here. As the representative of that principle, that people gave a cordial and almost unanimous vote for Mr. Buchanan for President.

But now, as if to add insult to injury, you have dragged into my presence a hybrid monster, conceived in sin and brought forth in iniquity; the miserable offspring of conspiracy and crime, covered with fraud, and bearing with it the marks of infamy; a bastard bantling, disowned, repudiated, loathed, and despised by the people whose child it claims to be; you have dragged into my presence this fetid monster, offensive to my eyes and my nostrils, labelled it "Lecompton constitution," christened it by the name of DEMOCRACY, and ask me to bow down and worship it as my idol. *I tell you I will not do it.* With my convictions, it would be dishonorable in me to do so. You may denounce and proscribe, pile epithet upon epithet, and hurl your anathemas until you are sick with your own folly, and it will all pass by me as the idle winds which I heed not. *There is no power on earth that could induce me to sanction this wrong.*

And now, let me say to my southern friends, you have carried this thing far enough. You are asking us to take a position upon which we could not and ought not to stand. Before you further heap epithets and denunciations upon us, it would be well for you to pause and study the history of the Democratic party. The sacrifices have been altogether on our side, and not yours. We have never been strengthened one particle by any act of yours. I wish to know what concession you have ever made in our party organization for the purpose of strengthening our hands? What do we owe you? When have we been strengthened in our course upon this floor, or before our constituents, by any concession you have made?

Mr. JONES, of Tennessee. If the gentleman will permit me to ask him a question, I desire to know if the southern Democracy have ever asked northern men or any other men to concede anything but their constitutional rights? If we have ever gone beyond the Constitution, we ask you not to concede it. All we ask of you is the Constitution of the country and Democratic principles.

Mr. MARSHALL, of Illinois. I am not aware that you have asked more until now. I have said before my constituents, and before the country, in public addresses, that my conviction is that, as far as the legislation of the country up to this time is concerned, the South has asked nothing which is not her right under the Constitution of the United States. But I am sure, if you call this Lecompton constitution a southern measure, you are asking that which is an insult to the people both of the North and South, as I honestly believe it ought to be considered.

Mr. HUGHES. I wish to say a word right here in justice to the gentleman from Illinois. The gentleman has made an insinuation here, in reference to my record.

Mr. MARSHALL, of Illinois. Oh, I cannot yield the floor further. I do not intend to go into that.

Mr. Hughes. I just wish to say that I challenge that gentleman, or any other gentleman, to assail that record.

Mr. Marshall, of Illinois. My friend must excuse me. I do not intend to go into small matters this evening. [Laughter.]

Mr. Hughes. I do; for I expect to answer you. [Laughter.]

Mr. Marshall, of Illinois. The gentleman had better discuss *himself*, as he seems anxious to make himself conspicuous by attempting to magnify very small things. [Laughter.]

Mr. Hughes. If I desired to make myself conspicuous, I should seek to array myself against some man of more standing than the gentleman from Illinois. [Renewed laughter.]

Mr. Marshall, of Illinois. This is not the first time I have seen small things trying to magnify their own importance. It is not the first time I have heard of flies buzzing around and trying to attract the attention of objects much larger than themselves. [Laughter.]

Mr. Hughes. Buzzing around very dirty places. [Excessive laughter.]

Mr. Marshall, of Illinois. The very kind of places in which I should expect to find the gentleman from Indiana. [Continued laughter.]

Mr. Hughes. It is just the place I find myself when I follow after you.

Mr. Marshall, of Illinois. Well, I hope the gentleman will enjoy his situation. But I must ask pardon of the committee for indulging in this badinage. I have been led into it unexpectedly. Let it stop here. I have no unkind feelings towards the gentleman from Indiana, and I hope he will so consider i[illegible] If he is satisfied now, I am very sure that I am. [Laughter.]

Mr. Chairman, the presentation of this Lecompton constitution to Congress offered the people of the South the best opportunity they have ever had of building up a great national and conservative party, which would have been a bulwark to the constitutional rights of the South in all time to come. And why? What was our difficulty throughout the North during the last presidential canvass, in maintaining the doctrine of the Kansas-Nebraska bill and the Cincinnati platform—the doctrine of leaving the people free to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States? What was the difficulty? It was not that there was anything in the doctrine hostile to the sentiments of the great body of the northern people. Our opponents charged that the D[illegible]ratic party were not acting in good faith, and did not mean w[illegible] said, or intend to carry out the principles they professed; that the Democratic party was a pro-slavery organization; that we, the men of the North, who were supporting it, were doughfaces, hirelings, doing the bidding of the slaveocracy; and that when the Democrats got into power, they would not leave it to the people of Kansas to settle the matter at the polls, but would force slavery upon them; that the Kansas-Nebraska bill was passed for that very purpose. We denied this charge everywhere, and insisted that the Democratic party was honest in its professions, and that the people would be permitted to frame their constitution and regulate their domestic affairs according to their own will. And I tell you, if we could have satisfied the

people of the North that such would be the practical effect of the doctrines of the Democratic party, and of the Kansas-Nebraska bill, the Republican party would have been reduced not only thousands, but hundreds of thousands, and the Democratic representation from the North upon this floor would have been doubled.

Well, sir, here comes up, after the election, this famous Calhoun convention in Kansas; and they frame a constitution which everybody knows—there is no use discussing it—and which the members of that convention know—to be a fraud and a misrepresentation of the will of the people of Kansas. They knew, at the time they assembled, that the people of Kansas expected—for such was the impression everywhere, and many of the delegates were pledged to it beforehand—that when the constitution should be formed it should be submitted to the people, that they might decide whether it embodied their sovereign will or not. When this was done, and when this pro-slavery constitution was formed; when there was nothing to be gained by urging this thing, and when everything was to be gained by a contrary course, if the South had come up in a body and spurned and repudiated this fraud; if they had said, "as we will not submit to, so we will not insist upon, any advantage obtained by wrong or fraud;" if they had declared now, when their motives could not have been questioned for so doing, that they were determined to leave the people free to frame their constitution for themselves, and have slavery or not, as they pleased; that if there was any doubt about there having been a fair expression of the popular will, they would have nothing to do with it; that they would hold their hands off until the people should settle it for themselves; if you had done that, you would have given the public confidence in the honesty of your professions, and broken down sectionalism and fanaticism forever. Oh, but this would be intervention! Surely, sir, the meaning of words, as well as the principles of parties, must be undergoing a rapid change. Mr. Calhoun brings a paper here which he calls the constitution of Kansas, but which the people of Kansas, in every mode in which they can speak, declare is not their constitution. Their Delegate upon this floor says it is not their constitution; their Territorial Legislature, the only legal legislative body existing in that Territory, say it is not their constitution, and that they are not asking admission under it. And not only that, the people are invited and encouraged by the Governor and Secretary of State, and by the President, to go to the polls on the 4th of January; and they go to the polls, and say, by ten thousand majority, that it is not their constitution, and that they do not ask admission under it; and I, and those who are acting with me, say we are not satisfied that Kansas is asking admission into the Union at this time, under that or any other constitution. There is a dispute about it; and gentlemen pretend that to say we will keep our hands off; that we will let the people settle it; that when we have become satisfied that the people have settled the question, and have organized a government, then we will consider whether they have sufficient population, whether they are the right kind of a people to be admitted into the Union; but until they have done that, we will have nothing to do with the matter; I say gentlemen pretend that this is intervention in the affairs of the people of a Territory, and that

to force a constitution upon them which they utterly repudiate, and force it, if need be, at the point of the bayonet, is *non-intervention*. Well, sir, according to my view, it would be *non-intervention* with a vengeance.

Let me make another remark or two in regard to this thing of proscription. In 1854, the issues upon which the Whig party had stood passed away. Their great leader had gone down to his grave. After the dissolution and disorganization of that party, there sprang up in the country two great parties; and the rapidity with which they spread and gained strength appalled the heart of every national and conservative man throughout this great country.

The Democratic party seemed to be melting away like snow before them. On one side was the Know-Nothing party, and on the other the Republican party, which seemed to spring into existence spontaneously after the passage of the Kansas-Nebraska bill. The Democrats were flying before them, both on the right hand and on the left, and the spaniel-like time-servers of the party were running howling back to their kennels to evade the contest, and there lurked to await the result of the fierce battle that was approaching.

Terror spread throughout the whole country. Not only the defeat, but the destruction of the Democratic party seemed to be almost inevitable. At that time, when cowards fled and shrunk in terror; when the weak and vacillating were skulking into hiding places, and when men, now loud in denunciations of those who do not act with them on this question, were hesitating to know where they should go, and doubting what should be their course for the purpose of saving themselves; at that time of darkness and terror and dread, there came on the arena two warriors who attracted the attention and eyes of this whole nation. Without hesitation, without doubt, they plunged into the contest; and wherever the clouds lowered darkest, and the battle was fiercest, their stalwart forms were seen driving among the thickest ranks of their enemies, both Republican and Know-Nothing. Their war-cry and the words of fire which they breathed forth were caught up and repeated from every stump and in every paper throughout the land. Those who had fainted took courage; those who had fled turned back and began to think that there was still some hope and some chance of saving the Democratic party from destruction and dissolution. The exultant enemy began to quail before their blows. The strong-hearted Democrats rallied around these gallant and victorious captains. By degrees they began to regain the fields they had lost. The enemy, North and South, were at length beaten down, and the banners of the great Democratic party were again unfurled in triumph before the eyes of the nation.

And who were these leaders who came forward at this opportune time and saved the Democratic party from destruction? One was a northern man, the author of the Kansas-Nebraska bill; the other was a southern man, the present governor of the much-honored "Old Dominion." Two years have hardly passed away, and now these men, who made the issues on which Mr. Buchanan was brought into power—these men, who turned the tide and saved the party from destruction—are now proscribed and hunted down as if they were, in fact, felons and traitors; and miserable time-servers are endeavoring

to blacken and befoul their characters with their slime. My God, Mr. Chairman, was such ingratitude ever heard of in any country? [Several voices: "Never!"] And why are they read out of the party? One, the author of the Kansas-Nebraska bill, and who ought to know something of what that bill means, and of whose fidelity to the Constitution and to the rights of the South there ought to be no question, says he is not satisfied that the people of Kansas were left to settle and regulate their domestic institutions in their own way. He is not satisfied that this constitution is a fair and legal embodiment of their will; there is a doubt about it; and he would rather wait, keep hands off, and let the matter be settled by themselves, before he was called to act upon it. For that, and that alone, the hue and cry was raised that he has abandoned the doctrine of non-intervention, and he must be read out of the Democratic party; and that, too, by the authors of the Buffalo platform, and others of that kidney. And the great organ for the purpose of doing that is the celebrated New York Herald, the leading organ of John C. Frémont in the last presidential contest.

Mr. Chairman, I am as warm a friend of Mr. Buchanan as he has on this floor. I expended a considerable sum out of my scanty fortune, and a great deal of time and labor, for the purpose of helping to bring him into the presidential chair. From the time I left this House after the memorable session of 1856, until the polls were closed and the votes counted in my district and State, I scarcely laid my head one night on my own pillow at home. Night and day, amid storms and sunshine, wherever there was a blow to be struck and a battle to be fought, my weak arm was found attempting to strike that blow and to assist in that contest. I am as devoted to the principles of the party, and as anxious for the success of this Administration, as any man be. But let me tell you, Mr. Chairman, that throughout this country there are more than half a million of men who supported Mr. Buchanan with all their hearts, and who are his best friends, who never will sanction this Lecompton movement under any circumstances. Let me tell you that they are men who owe Presidents and Cabinets nothing, and who expect nothing at their hands. They will think for themselves. And, if the President wants to maintain the integrity of the party; if he wants to have the respect of those who brought him into power, and who love and venerate him; if he expects to leave a bright record, which those who love the party and those who love his name may look upon with respect and love and regard hereafter, *he must call off his hounds. He must drive his spaniels*, that are barking at the heels of better men than themselves, *back to their kennels;* and the dirty puppies who are spewing forth their filth through their dirty sheets, here and through the country, *must be muzzled*. [Laughter.]

This course cannot be followed through all time. If the integrity of the Democratic party is to be maintained, *this thing must stop*. Blows will not be always struck on one side. It is not in human nature to tolerate this thing forever. If you keep hammering a man over the head—I care not how good a friend he may be—he will at length resent the indignity, and return blow for blow. There is no doubt that such must be the result. If the President consults his own interests, the interests of the Administration, and of the party of which he is the guardian, I repeat, *he must stop this thing*.

Mr. KUNKEL, of Maryland. Does the gentleman mean to say that the President of the United States has incited what the gentleman thinks proper to denominate the little petty puppies of newspapers to make this war on any man or set of men?

Mr. MARSHALL, of Illinois. I will say this to the gentleman. I would be glad to believe otherwise; but I am sorry to say that the evidence forces me to the conclusion that the President favors this thing. The special organ of the Administration here, supposed to be in the confidence of the President, has been most bitter and vituperative. The Pennsylvanian, also supposed to be in the immediate confidence of the President, has been equally bitter and vituperative.

Mr. KUNKEL, of Maryland. Without any personal knowledge of the fact, I pronounce it a libel upon the President.

Mr. MARSHALL, of Illinois. If the gentleman has no personal knowledge, he ought not to speak about a matter he knows nothing about. [Laughter.] Mr. Chairman, I say this in no unkind spirit. I say it because this thing has been pursued long enough. I say it because it is unjust—unjust to men who are as true friends of the President as any man in the country, and have as little idea of abandoning his general support. Surely, sir, the President and the Administration have mistaken the relation which they bear to the party and the country. Why are we called traitors? Whom have we betrayed? To whom do we owe allegiance? Sir, we are not sent here to represent or reflect the will of the Executive. We do not come here to register the edicts of a master. We owe allegiance, first, to the Constitution, and then to our constituents; and we owe it to no other tribunal or power on earth. If our fidelity is brought in question, we appeal to our constituents to determine the matter, and their verdict is final and conclusive. If they are satisfied, who has any right to complain? The President has his appropriate functions—members of Congress have theirs. He has no right to interfere with the passage of bills through Congress, and it is a breach of the privileges of the House for him to do so. We, who aided in elevating the President to the exalted office which he holds, are his friends, *not* his slaves. He is our servant, *not* our master. If there is any treason, it must be on the part of the servant, and cannot be on the part of the master, who owes no allegiance. The Democracy of Illinois, who supported him so cordially, owe him none, and have a right to think and act for themselves.

I was about to remark, when interrupted awhile ago, that there is something very singular in the fact that upon every question, except one, men may think and act as they please, without their party fidelity being called in question. The President has recommended a great many measures, and there is not a Democrat in Congress who supports the President in every position taken in his message. If there is such a man here I should like him to show himself. And yet there is no complaint. Men may oppose the President on his Army bill, on his Nicaragua policy, on his Treasury note bill, and upon other measures, and there is no complaint. There is something that men *must notice as remarkable* in regard to this, and that is that this thing of proscription and denunciation *stops just as soon as you reach Mason and Dixon's line.* It is not right, sir. It ought to be stopped. And those from the North, and from the South, who are in the confidence of the President in regard to this measure, ought to say to him to hold off his hands, for every one knows that upon the least intimation on the part of the President to these papers that are feeding and fattening on his patronage, that this thing was unpleasant to him, it would be stopped in a moment. Everybody knows that.

Mr. Chairman, there is one feature which has pervaded the discussions of this Kansas question during the entire session, that could hardly fail to have attracted the attention of the most casual observer. I allude, sir, to the extreme anxiety many professed Democrats have shown to be able to make some point, or find some plausible ground of attack against Judge DOUGLAS, or the Illinois delegation in the House, or even the State and the Democracy we have the honor to represent. Many have seemed to think, if they could only hunt up some fact that would throw discredit upon that Senator, or weaken him in the esteem of the country, they had accomplished a great end, and all that was necessary to establish their own superior statesmanship. It is every day becoming more and more apparent, that the extraordinary bitterness and vindictiveness manifested in this contest, has resulted from the scheming of aspiring demagogues, who would move heaven and earth to break down and discredit that distinguished statesman. The war has been, to a great extent, a personal one; and, to accomplish their purpose, a course has been pursued which never could have been dictated by sound policy, the interests of the country, or of the Democratic party.

The assaults which have been made upon the State of Illinois and her Democracy have been treated with indifference and contempt. They deserve neither notice nor consideration. I do not propose a defence of my native State now. She needs none. Her own history and her present proud position constitute her own vindication. In her natural resources; in rapid development and material prosperity; in the gallantry of her sons on the field of battle; in their devotion to the Constitution, the Union, and the rights of every section of the country; in their unyielding devotion to the Democratic party and Democratic principles; in all, sir, that can make one of her sons proud of the land that gave him birth, and that has nourished and sustained him, Illinois stands this day without a parallel, the pride of the

country, the admiration of all intelligent observers. I thank my God daily, sir, that my lot has been cast among her hardy sons. And as long as I receive their approval, and retain their confidence, I can look upon the frowns of power, the denunciations of a hireling press, and the sneers of hungry sycophants, with perfect indifference. The Democracy of Illinois, sir, have never faltered or failed in the discharge of their duty; *she has never given any other than a Democratic vote for President.* When many I see around me, and who now claim to be the only "Simon pure" Democrats, were battling in the ranks of the enemy; when the storm of war raged heaviest, and the Democracy of other States have been defeated and driven from the field by the fierce charges of the enemy, our forces have never faltered—our columns have never been broken. No odds what army was brought against them; no odds what obstacles presented themselves, the Democracy of Illinois have trampled down the opposition, and proudly borne their flag to victory. And these are the people, sir, that you would now read out of the Democratic party! Mr. Chairman, I find it difficult to realize the fact that such ingratitude and such consummate folly can possibly exist among men calling themselves Democrats. But we, at least, have the consolation of knowing that if we are forced to separate, we owe you nothing—absolutely nothing. We have faithfully discharged our duty, without fee or reward. We have battled manfully for the right because it was the right, and from no selfish considerations. We have fought bravely for the Constitution and the Union, because, with all our hearts, we love the Constitution and the Union. We have battled day and night, year after year, for the constitutional rights of the South, because they were their constitutional rights, and because we wish to do justice to our brethren of every portion and section of this broad land.

Of all the States, the most true to the Constitution and to the Democratic party, always bold and prominent in the fight, Illinois has reaped none of the fruits of victory. Her sons have often been leaders in the charge, and first to scale the ramparts of the enemy; yet the spoils of victory have always been divided among others. From the moment she became a sovereign State to the present time, she has never faltered in her adherence to the national Democracy. With men of acknowledged talents and statesmanship in her midst, not one of her sons has ever, at any time, received a first-class appointment from the Federal Government. Her claims in this respect have been disregarded. Notwithstanding all this, we have adhered to our faith and battled for the right without a murmur. And now, sir, mere fledgelings in the party—men who have devoted the best part of their lives to the service of the enemy, have undertaken the task of denouncing and branding us as traitors and renegades!

But the honorable gentleman from Virginia [Mr. SMITH] has made himself conspicuous by his assaults upon Illinois and her distinguished Senator. Following the example of ladies of doubtful reputation, he, too, seems desirous of patching up his own political character by assailing that of other men. He has arrogated to himself a superior sanctity, and stands up in the market-places and "thanks God that he is not as these publicans and sinners." Towards the close of his singular speech he abandons, for a time, generalities and insinuations, and attempts by distinct charges to assail the motives of Judge DOUGLAS and his associates. One of these arraignments is in these words:

"Mr. SMITH, of Virginia. I will say this in conclusion: that the delegation from Illinois, or a portion of them at any rate, met together here, when Congress assembled, to consider the course which a certain gentleman in the other end of the Capitol should pursue, and the means he should use, in order to secure his re-election to the United States Senate. I say that much; and I will make out the case when I have the time. I say that certainly extraordinary action has resulted in a concerted movement, having an eye alone to his re-election."

I have already stated on the floor of the House that this charge is wholly and entirely destitute of truth. It has no foundation whatever in fact. I allude to it now for the purpose of adding that the honorable member ought to have known at the time that it could not be true. It was known throughout the whole country, (the matter was discussed in the newspapers some time before Congress convened) that the Senator from Illinois was opposed to the unqualified admission of Kansas under the Lecompton constitution. Upon his arrival in this city, some days before Congress convened, almost his first act was to wait on the President, and state to him frankly his views in regard to this question. Their meeting was said to be cordial, and their conference frank and friendly, but their differences on this question were also said to be radical and irreconcilable. An account of this visit and conference was at the time published in various papers throughout the country, and ought to have been known to the honorable gentleman. I take it for granted, however, that he had forgotten or overlooked these facts which were so well known to the whole country.

The honorable member has been equally unfortunate in the other specific charge which he thought proper to make. It is equally baseless, and equally destitute of the semblance of truth. That charge is made in the following language:

"Let me say here, also, that Mr. Calhoun wrote to Judge DOUGLAS, not as a Senator, but as a friend, stating the plan that was to be pursued, and asking his advice in reference to it

No answer to that letter was ever received, but the Chicago Times came out and endorsed the proposed plan. I state, as a fact, which will not be disputed in any quarter, that Senator DOUGLAS, not as a Senator, but as a conspicuous friend of this gentleman, was written to in the month of September, asking his advice as to the course to be pursued in the submission of the constitution, and that he never responded to that letter by dissent or affirmation. I repeat, the Chicago Times, understood, to be under his influence, was published, containing an article endorsing the suggestions of that letter. I have not time to go into this question, as I would like; *but such are the facts in relation to this matter.*"

Mr. Chairman, I am utterly amazed that any gentleman, and especially the honorable member, should travel out of his path and his line of argument for the purpose of bringing forward and placing on record a charge of this character against a distinguished leader of his own party; and that leader a man who has been more prominent, open, bold, and constant in the advocacy of the constitutional rights of the South, and the principles of the Democratic party, than any man now living. If the charge were true, the propriety of that gentleman bringing it forward in the manner and under the circumstances in which he lugged it into his speech, would be at least questionable; but what will the House and the country think of it when I state, what I now do, broadly and distinctly, that in every essential particular it is utterly destitute of foundation or truth? Let me be distinctly understood. It is not contended that Judge DOUGLAS ever wrote to Mr. Calhoun on the subject. The charge plainly and distinctly insinuated, rather than directly made, is that the author of the Kansas-Nebraska act, not openly and boldly, but in an underhand and skulking manner, indicated to Calhoun, through the columns of the Chicago Times, the mode of submission of the constitution which was adopted by the Lecompton convention. I repeat, sir, that the charge is as destitute of truth as any charge could possibly be. Judge DOUGLAS is in no manner responsible for the editorial conduct of the Chicago Times. That is an independent Democratic journal, friendly, in the main, to the distinguished Senator from Illinois; but its editorial conduct is in charge of a gentleman who thinks, acts, and writes for himself, without submitting to the direction or dictation of any one. But this disavowal is not important. The most amazing fact in reference to this calumny is, that *no such article as the one indicated by the honorable gentleman from Virginia has ever, at any time, appeared in the columns of the Chicago Times.* This fact, at least, if it existed could be easily proven; and I defy the gentleman to produce the evidence. If he fails, which he most assuredly will, the charge is not only shown to be false, but utterly destitute of foundation or plausibility from the beginning.

I do not, Mr. Chairman, charge the honorable gentleman from Virginia (Mr. SMITH) with wilful falsehood or misrepresentation. Far be that from me. I have too high an appreciation of what is due to this body, and to the position of the honorable gentleman, even to insinuate such a charge for a moment. I would not believe for a moment that any gentleman occupying a seat on this floor, much less one so distinguished as the honorable member, would be guilty of so base a fabrication, or of giving it currency, knowing it to be false. But what I complain of, what the friends of Judge DOUGLAS have a right to complain of, is that the gentleman should, without investigation, pick up from the purlieus and streets of Washington anonymous slanders against a distinguished statesman, fabricated by plunder-gorged parasites, and the miserable, leprous, hungry pack who are ready to bark at the heels of any one who they may think is under the ban of power—slanders which have been floating around the streets of Washington all winter, but which the friends of Judge DOUGLAS deemed wholly unworthy of their notice. We have a right to complain that so distinguished a gentleman should lend his name to give currency to charges which before were unworthy of notice, and allow himself to become the conduit through which this miserable spawn of malice and defamation should be poured forth upon the House, and sent out to infect the moral atmosphere of the whole country.

Mr. Chairman, I shall append to my remarks, when printed (see Appendix) the article which Mr. Calhoun has indicated as the one which he supposed reflected the views of Judge DOUGLAS on the question of submission of the constitution to be framed at Lecompton. Calhoun first saw it, in a Kansas paper, copied from the Chicago Times. It appeared first in the Daily Times of the 14th October, 1856. I have evidence, satisfactory to myself, that Judge DOUGLAS knew nothing of this article at the time it appeared, and probably never saw it until I furnished him, a few days ago, a copy of the Times in which it appeared. But, be this as it may, it will be seen that the article, instead of sustaining, utterly disproves the charge made by the honorable member from Virginia; and I have no hesitation in saying, that if the mode of submission, indicated in that article, had been adopted in good faith, the result would have been satisfactory to the people of Kansas, and to the whole country, ultra factionists, North and South, alone excepted.

Mr. Chairman, I see that the time allotted to me has nearly expired. I have been led entirely out of the line of remarks I proposed to myself when I obtained the floor. I

intended, when I arose, to attempt to meet the arguments which have been made and so often repeated on the other side. I think I could have shown, to the satisfaction of any candid mind, that there is no application on the part or in behalf of the people of Kansas, or the Territory of Kansas, or the State of Kansas, for admission into the Union; that no such question is properly pending before Congress; that a false clamor has been raised about this whole matter; that this Lecompton constitution is in no proper sense the constitution of Kansas, and in no proper sense embodies the will of her people; and that it is a miserable piece of most wretched jugglery, a most bare and unblushing fraud. But I see that I cannot now go into these questions at all. They have probably all been more ably discussed by others than I could possibly discuss them. It is, probably, well that I have been led out of the beaten track, for I am sure that I have thereby had more of the attention of members than I should otherwise have done.

APPENDIX.

The following is the article which appeared in the Chicago Times, October 14, 1856, which has been indicated by Mr. Calhoun as the one which he supposed reflected the views of Mr. DOUGLAS in regard to the mode in which the constitution framed at Lecompton should be submitted to the people of Kansas for their ratification or rejection:

"KANSAS—THE CONSTITUTIONAL CONVENTION.—The convention which was elected in Kansas to frame a State constitution for that Territory will soon meet again. They cannot fail to have observed, what all the rest of the world has observed, that the voice of the people of Kansas is in favor of a free State. We know not what may be the purpose or the feelings of the delegates upon the question of slavery, but the recent election has demonstrated that nothing else than a constitution which shall exclude and prohibit slavery will be accepted by the people of the Territory. That fact is so patent that no man can shut his eyes to it.

"It is said that the convention, when elected, was unanimously pro-slavery; that we know to be untrue; we know that there were many delegates who were in favor of obeying the wishes of the people; and a majority in favor of submitting their action, no matter what it was, to popular approval or rejection at the poles. What that convention will do, or what it will not do, we have not the means of knowing. But we know that any attempt to force a pro-slavery constitution upon the people without the opportunity of voting it down at the polls will be regarded, after the recent expression of sentiment, as so decidedly unjust, oppressive, and unworthy of a free people, that the people of the United States will not sanction it. It would add thousands to the vote of the Republican party in every State of the Union, and give to that organization what it has never had yet—a show of justice and truth.

"To the Democratic members of that convention the course is plain. The people have decided in favor of a free State; though they have not voted on the naked issue of 'free State' or 'slave State,' they have voted practically in favor of a free State. Two-thirds of the Democratic party in Kansas have voted with the 'free-State' party at the recent election, in order to make the popular decision more emphatic. As Kansas must be a free State, even those persons in the Territory who are known as 'pro-slavery' men must recognize in the late election a decision which must not be slighted nor put at defiance. To that expression of the popular will there should be a graceful, if not a cheerful submission. Kansas is to be a free State! That fact being ascertained, let the convention frame a constitution to suit her best interests upon all other questions, and let the prohibition of slavery be put in it, clearly and without quibble, plainly, without disguise, explicitly, broadly, and firmly. Let the convention then submit that constitution to the people. If it be adopted, Kansas will come into the Union at the next session, and the Republican party will expire for want of sustenance. If any members of the convention desire to prolong the controversy, or to have a regular direct vote upon slave State and free State, let a free State constitution—the Topeka constitution, divested of such of its provisions as time has shown to be unsuitable—and a slave State constitution be prepared. Let them both be submitted to the people—the vote to be 'free-State constitution, yes,' or 'free-State constitution, no;' 'slave-State constitution, yes,' or 'slave-State constitution, no.' Let them, if they desire to vote in favor of a slave State, have the opportunity; but let the constitution be submitted to the popular vote, and at an early day.

"Let the present convention submit this matter to the people without delay, and have the long controversy settled finally, and in the only effectual manner that is possible In six months after the admission of Kansas, Black Republicanism will be be no more."